

## Lewis County – Forecastle Rezone – REPEAL

File Number: Ordinance 1219, Section 5 &  
Resolution 10-359, Section G

### Planning Commission Staff Report – **DRAFT**

#### **ISSUE:**

Repeal of Ordinance 1219, Section 5 and Resolution 10-359, Section G which re-designated approximately 830 acres on the north side of Mineral Lake from Forest Land of Long Term Commercial Significance (FRL) to Forest Land of Local Importance (FLLI).

#### **BACKGROUND:**

This application and request was first brought to the County in 2008. At that time and again in 2009 the application was reviewed and a recommendation was made for the land to remain in FRL. Both recommendations were remanded back to the Planning Commission by the BOCC for further review.

The 2010 application reduced the land to be re-designated from approximately 2,082 acres to approximately 830 acres and offered to preserve the remaining 1,250 acres as a forest reserve tract and prohibit any residential uses. The BOCC adopted ordinance 1219 on December 27, 2010 which included the Forecastle property in Section 5, subject to the following conditions: (1) that Forecastle would record a covenant preserving the remaining 1250 acres of Forest Resource Land of Long Term Commercial Significance as a forest reserve tract, prohibiting residential use of the land; (2) that Forecastle would record covenants, conditions and restrictions (“CC&Rs”) against the 830 acres designated as Forest Resource Land of Local Importance identifying a small area for residential building on each 20-acre lot, but otherwise limiting non-forestry or non-resource use of the property; and (3) that Forecastle would prepare a forest management plan for the remaining 1250 acres of FRL of Long-Term Commercial Significance approved by the BOCC and consistent with state law.

The re-designation was appealed to the Growth Management Hearings Board (GMHB) with a Petition for Review filed March 4, 2011.

The GMHB found the County not in compliance with RCW 36.70A.130(1)(d) and issued a Final Decision and Order (FDO) August 21, 2011.

The County filed a Motion for Reconsideration on September 12, 2011 and it was denied by GMHB on October 3, 2011.

The County filed a Petition for Review of the FDO with Thurston County Superior Court September 30, 2011. The FDO was affirmed by the court August 16, 2012.

The County filed its Report on Compliance on July 31, 2012. On September 6, 2012 the GMHB found that Lewis County failed to achieve compliance and issued the following Order:

*The Board finds Lewis County has failed to achieve compliance with RCW 36.70A.070 (preamble) and RCW 36.70A.130(1)(d) and is in continuing noncompliance: There are similarly situated properties included on the Comprehensive Land Use Map as FRL when some of those properties do not meet the Lewis County FRL criteria in violation of RCW 36.70A.070 (preamble) as all elements are not consistent with the future land use map (the Comprehensive Land Use Map). There are similarly situated properties on the zoning map as either FLLTCS or FLLI when such properties could only be one or the other in violation of RCW 36.70A.130(1)(d) resulting in a failure to be consistent with and to implement the comprehensive plan. This case is remanded to the County for compliance.*

## **DISCUSSION**

In discussions with Forecastle, it was agreed that in light of the GMHB and Thurston County Superior Court decisions that the best course of action was for the subject property to revert to its original designation of Forest Land of Long Term Commercial Significance. On October 1, 2012, the BOCC directed staff to initiate the repeal process.

## **RECOMMENDATION:**

Staff recommends repealing Ordinance 1219, Section 5 and Resolution 10-359, Section G which will cause approximately 830 acres on the north side of Mineral Lake to revert to Forest Land of Long Term Commercial Significance (FRL).